

Remarks

In the application, claims 1-29 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2003/0061093 to Todd (“Todd”). The Office action dated March 9, 2005 has been carefully considered. Each of the independent claims, namely claims 1, 11 and 21, have been amended to more clearly indicate that the claimed “standard routing system” is a “standard” routing system because it is “used by a multitude of financial institutions for transfers unrelated to the one or more consumers’ awards”. The asserted prior art neither teaches nor suggests the use of any such standardized system to transfer award values.

Instead, the asserted prior art is directed to an award system that facilitates transfers only among similar accounts so that users can transfer points from one reward account to another. *See* Todd at ¶ [0012] (“[a]nother object of the invention is to provide ... a means for one user of the services to transfer value for the direct benefit of another one of the users”). As explained by Todd, limiting the reward system to only provide for intra-system transfers provides a benefit to the financial institution granting the awards and maintaining the award account. Specifically, “the primary advantage of the system or network is the capacity to accumulate value on behalf of multiple users, without setting up and administering multiple individual savings or investment accounts. Instead, the aggregate accumulated value of all accounts ... can be supported by a single investment account administered by the financial services provider.” *Id.* at ¶ [0086].

Each of the independent claims, however, requires that the rewards be transferred using a “standard routing system” where such a “standard routing system” is specifically defined as the routing system that is “used by a multitude of financial institutions for transfers unrelated to the one or more consumers’ awards”. Such a standard routing system, by definition, cannot limit the types

of accounts to which the claimed awards can be transferred. Thus, each of the independent claims, by requiring the use of a “standard routing system”, provide for an award transfer mechanism that allows users to transfer awards to any type of account, irrespective of whether the account was originally conceived to receive award values, and irrespective of whether the account is even with a partnering financial institution.

The teachings of Todd are exactly the opposite. Instead of teaching and describing a system in which award values can be easily transferred into any type of account, including accounts from which they can be easily spent, such as checking accounts, Todd specifically states that “[a]ny programs that require a conscious decision on the part of the customer to save or invest, rather than spend, ... miss a considerable number of participants...” *Id.* at ¶ [0010]. Thus, Todd describes a system in which the customer is forced to save because their award values can only be transferred to other award accounts. *See Id.* at ¶ [0085] (“...by transferring points from one reward record to another, allows groups to accumulate value for the benefit of an individual user...”). Enabling the transfer of reward values via a “standard routing system” would be directly contrary to the stated purpose of Todd.

The Office action’s support for the blanket statement that Todd teaches the use of a “standard routing system” is a string citation that, in effect, cites fully half of the entire application. That same string citation is also provided as support for the statement that Todd discloses the use of the American Bankers Association (ABA) routing system and, simultaneously, discloses the use of the Automated Clearing House (ACH) routing system. As an initial matter, it is noted that each claim must be examined independently, and that if a reference does not teach or suggest all of the elements of any given claim, then an anticipation rejection is not proper. *See e.g., Manual of Patent*

Examining Procedure, §706.02, page 700-21. In the interests of expediting prosecution, the Examiner is respectfully requested to indicate as allowable those dependent claims whose elements are clearly nowhere in the cited reference. The Todd reference simply makes no mention whatsoever of either the ABA or ACH routing systems.

In fact, the Todd reference also makes no mention of the “standard routing system” claimed by each of the independent claims. None of the 31 paragraphs cited by the Office action disclose a “standard routing system”, let alone a “standard routing system” that is “used by a multitude of financial institutions for transfers unrelated to the one or more consumers’ awards” as required by each of the currently pending independent claims. Instead, as indicated above, the only disclosures of any type of “routing” are the teachings directed to the transfer of reward values from one reward account to another reward account. *See e.g.*, Todd at ¶ [0085].

Because the Todd reference neither teaches nor suggests a “standard routing system” that is “used by a multitude of financial institutions for transfers unrelated to the one or more consumers’ awards” as claimed by each of the currently pending independent claims, the Todd reference cannot anticipate the currently pending independent claims. Additionally, because the remaining claims depend, either directly or indirectly, from the currently pending independent claims, the remaining claims can similarly not be anticipated by Todd. The Examiner is, therefore, respectfully requested to withdraw the rejection based on Todd, and pass the application to issue.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. However, should the Examiner reassert the §102(e) rejection in light of Todd, the Examiner is respectfully requested to provide a

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more precise citation to the disclosure of "a standard routing system" that is "used by a multitude of financial institutions for transfers unrelated to the one or more consumers' awards", as claimed by each of the amended claims of the present application.

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Date: May 19, 2005